

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re)	
)	Chapter 11
DPH HOLDINGS CORP., <i>et al.</i> ,)	
)	Case No. 05-44481 (RDD)
)	Jointly Administered
)	
Reorganized Debtors.)	

**ORDER DENYING JAMES SUMPTER’S MOTION TO ALTER JUDGMENT AND
ORDER REGARDING THE 2ND SUMPTER INJUNCTION MOTION**

(“ORDER DENYING SUMPTER MOTION TO ALTER JUDGMENT”)

Upon James B. Sumpter’s Motion To Alter Judgment And Order Regarding The 2nd Sumpter Injunction Motion Docket # 22138 (the “Motion”) (Docket No. 22206),¹ dated October 24, 2013; and the Court having reviewed the Motion and the attached Declaration of Steven Gebbia (an exhibit submitted in connection with the Debtors’ Salaried OPEB Termination Motion (Docket No. 14705) (the “Gebbia Declaration”)); and the Court having previously found, including based upon its prior review of the Gebbia Declaration, that (i) the Debtors did not seek in the Salaried OPEB Termination Motion to terminate disability benefits with the exception of health and life insurance benefits (the finding that the Motion seeks the Court to make); (ii) for the reasons stated in the Court’s October 21, 2013 bench ruling, DPH Holdings Corp. had established that those individuals on disability would be collaterally estopped from arguing that the Debtors/DPH Holdings Corp. could not in the future terminate all remaining benefits under the Delphi Salaried Life and Disability Benefits Program; and, therefore, (iii) there is no basis to reconsider and alter the Court’s ruling of October 21, 2013 pursuant to Fed. R. Bankr. P. 9023, incorporating Fed. R. Civ. P. 59; now, therefore,

¹ Capitalized terms not defined in this order shall have the meanings ascribed to them in the Motion.

IT IS HEREBY ORDERED that:

1. The above findings of the Court are incorporated into this Order.
2. The Motion is denied.

Dated: White Plains, New York
November 4, 2013

/s/Robert D. Drain
U.S. BANKRUPTCY JUDGE